UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,568	10/31/2003	Lawrence W. Osterman	MS306051.1/MSFTP506US	1108

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EXAMINER
PHAN, TUANKHANH D

ART UNIT	PAPER NUMBER
2153	

NOTIFICATION DATE	DELIVERY MODE
01/03/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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PTOL-90A (Rev. 04/07)

Office Action Summary	Application No.	Applicant(s)
	10/698,568	OSTERMAN, LAWRENCE W.
	Examiner	Art Unit	
	TuanKhanh Phan	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 November 2007*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-36* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

This Office Action is in response to the amendment filed on November 13, 2007,

in which claims 1-36 are presented for further examination.

Response to Arguments

Applicant's arguments with respect to claims 1-36 have been considered but are

moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with

the enablement requirement. The claim(s) contains subject matter which was not

described in the specification in such a way as to enable one skilled in the art to which it

pertains, or with which it is most nearly connected, to make and/or use the invention.

The limitation "the object is presumed to be on-line with respect to a second set of one

or more of the plurality of functions" is not described in the specification. When no

response is received, the system only presumes that the queried component is off-line,

and makes no other presumptions.

Claim Rejections - 35 USC § 112

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The limitation "the response is substantially similar as that for a multicast message" is unclear. Substantially is a relative term, and applicant has not defined the term or given any guidance regarding what a response must be like to be "substantially similar as that for a multicast message."

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Abdelaziz et al. (US Pat. 7,197,565), hereinafter Abdelaziz.

Regarding claims 1, 17, 26, 33 and 36 Abdelaziz a system that facilitates determining presence of an object, comprising:

a transmit component (Figure 15, "200A") that transmits a multicast-type message as a unicast message (Figure 15, "234"; i.e. discovery other objects by using a unicast, multicast and/or combination type message, col. 28, lines 15-23) to the object (Figure 15, "200B"), the object having a timeout period (col. 50, lines 5-15) and a plurality of functions capable of independent presence indication associated (i.e. information protocol provides its functions/capabilities and presence status, Col. 82, line

62-col. 83, line 4) therewith, the multicast-type message directed to a first set of one or more of the plurality of functions (Col. 82, line 62-col. 83, line 4); and

a presence component that monitors a response to the unicast message from the object, and if a response is not received (col. 88, lines 5-30; col. 23, lines 55-61; **if a NACK or no response is received, it is either inactive, off-line or not in existence**), the object is presumed to be off-line with respect to the first set one or more of the plurality of functions (Figure 16, "238"), the object is presumed to be on-line with respect to a second set of one or more of the plurality of functions (Figure 16, "238"), and the response is substantially similar as that for a multicast message to the object (response(s) is received col. 88, lines 10-14).

Regarding claim 2, Abdelaziz teaches the system of claim 1, the object is at least one of a wired device, a wireless device, and a service (Col. 6, lines 30-40).

Regarding claim 3, Abdelaziz teaches the system of claim 1, the multicast-type message is transmitted in unicast at least once before the timeout period expires (i.e. Time-to-live is associated upon sending the message, thus at least one message is sent with a time indicator, col. 50, lines 5-12).

Regarding claim 4, Abdelaziz teaches the system of claim 1, a plurality of the multicast-type messages is transmitted in unicast to the object to control the object (Figure 15).

Regarding claims 5 and 32, Abdelaziz teaches the system of claims 4 and 26, the plurality of multicast-type messages signal the object to stay online (col. 64, lines 49-52).

Regarding claims 6 and 18, Abdelaziz teaches the system of claims 1 and 17, at least one of the transmit component and the presence component is part of a client application that transmits the multicast-type message in unicast and receives the response in unicast from the object (col. 6, lines 46-61).

Regarding claim 7, Abdelaziz teaches the system of claim 1, the object is disposed on a network remote from the transmit and presence components (col. 21, lines 1-10, remotely hosted).

Regarding claims 8 and 34, Abdelaziz teaches the system of claims 1 and 33, the unicast response is cached at the system-end (col. 135, lines 10-21; col. 30, lines 30-36).

Regarding claim 9, Abdelaziz teaches the system of claim 1, the multicast-type message is directed to at least one of the object (i.e. at least one peer needs to be alive to receive and response to the request; col. 25, lines 40-50), an embedded device of the object, and an embedded service of the object (col. 19, lines 56-67).

Regarding claims 10, 25 and 27, Abdelaziz teaches the system of claims 1, 17 and 26, the multicast-type message is sent a predetermined number of times before the object is determined to be off-line (col. 70, lines 38-48).

Regarding claims 11 and 21, Abdelaziz teaches the system of claims 1 and 17, the object is compatible with a plug-and-play architecture (col. 41, lines 42-50).

Regarding claim 12, Abdelaziz teaches the system of claim 1, the transmit component transmits a plurality of unique multicast-type messages in unicast to a

respective plurality of the objects (i.e. sending message requests for different services to difference peers, abstract).

Regarding claim 13, Abdelaziz teaches the system of claim 1, the transmit component transmits a first multicast-type message in unicast to an intermediate device (Figure 1B, internet server acts as an intermediate device) to determine its status before transmitting the multicast-type message in unicast to the object (Figure 1B).

Regarding claims 14 and 19, Abdelaziz teaches the system of claims 1 and 17, the multicast-type message is transmitted in unicast to the object from a first client application (i.e. sending between requesting peer-unicast message, col. 83, lines 5-10), the response to which indicates a status of the object, and the status of which is announced by the first client application to a second client application (i.e. responding to the message include information on the status, col. 83, lines 5-21).

Regarding claim 15, Abdelaziz teaches a computer system according to claim 1 (Figure 1B).

Regarding claim 16, Abdelaziz teaches a computer readable medium having stored thereon computer executable instructions (col. 101, lines 7-20) for carrying out the system of claim 1.

Regarding claims 20 and 30, Abdelaziz teaches the system of claims 17 and 26, there client application is a master browser seeking the status of a plurality of other browsers (abstract; may serve as a client of or a server to the other devices, Figure 1A).

Regarding claim 22, Abdelaziz teaches the system of claim 17, the discovery protocol utilizes a network protocol (col. 7, lines 10-11).

Regarding claim 23, Abdelaziz teaches the system of claim 22, the network protocol comprises at least one of TCP/IP, HTTP, NetBEUI, and XML (col. 16, lines 5-59).

Regarding claims 24 and 31, Abdelaziz teaches the system of claims 17 and 30, the discovery component operates to discover one or more of the objects according to a predetermined hierarchy (col. 35, lines 55-58).

Regarding claims 28 and 29, Abdelaziz teaches the method of claim 26, further comprising initiating discovery of an intermediary object in response to determining initially that the object is off-line (col. 69, line 63-col. 70, line 7).

Regarding claim 35, Abdelaziz teaches the method of claim 33, further comprising means for determining a network condition that causes the means for transmitting to transmit the multicast-type message in unicast more frequently based upon worsening network conditions, and to relax the frequency of transmission when the network resume more normal operation (col. 11, lines 20-25; traffic metering controller allows traffic bandwidth balancing to avoid a bottleneck jam).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TuanKhanh Phan whose telephone number is 571-270-3047. The examiner can normally be reached on Mon to Fri, 8:00am to 4:30pm EST, 1st Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton B. Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TKP

THU HA NGUYEN
PRIMARY EXAMINER